

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

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WESTERN DISTRICT OF MICH

UNITED STATES OF AMERICA,

No. 1:04-CR-299

Plaintiff,

vs.

Hon. Robert Holmes Bell
Chief, U.S. District Court Judge

EUGENE ATKINS II,

Defendant.

SECOND SUPERSEDING
INDICTMENT

The Grand Jury charges:

COUNT 1

(DISTRIBUTION OF HEROIN RESULTING IN SERIOUS BODILY INJURY AND DEATH)

On or about December 14, 2004, in Kent County, in the Western District of Michigan,
Southern Division, the Defendant,

EUGENE ATKINS II,

knowingly and intentionally distributed heroin, a Schedule I controlled substance, resulting in
serious bodily injury and death from the use of the heroin, in violation of Title 21, United States
Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT 2

(POSSESSION WITH INTENT TO DISTRIBUTE HEROIN)

On or about December 17, 2004, in Kent County, in the Western District of Michigan,
Southern Division, the Defendant,

EUGENE ATKINS II,

did knowingly and intentionally possess with intent to distribute heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT 3

(CONSPIRACY TO POSSESS WITH INTENT TO DISTRIBUTE AND
TO DISTRIBUTE HEROIN)

Beginning in or before November, 2004 and continuing to on or about December 17,
2004, in the Western District of Michigan, Southern Division, the Defendant,

EUGENE ATKINS II,

did combine, conspire, confederate and agree with persons known and unknown to the grand jury, to knowingly and intentionally possess with intent to distribute and to distribute heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 846, 841(a)(1), and 841(b)(1)(C).

COUNT 4

(DISTRIBUTION OF HEROIN TO A PERSON UNDER 21 YEARS OF AGE)

On or about December 8, 2004, in Kent County, in the Western District of Michigan,
Southern Division, the Defendant,

EUGENE ATKINS II,

being a person at least eighteen (18) years of age, knowingly and intentionally distributed heroin,
a Schedule I controlled substance, to a person under twenty-one (21) years of age, in violation of
Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C) and 859.

COUNT 5

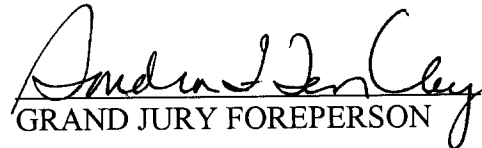
(DISTRIBUTION OF HEROIN TO A PERSON UNDER 21 YEARS OF AGE)

On or about December 14, 2004, in Kent County, in the Western District of Michigan,
Southern Division, the Defendant,

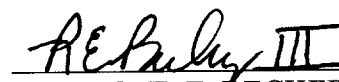
EUGENE ATKINS II,

being a person at least eighteen (18) years of age, knowingly and intentionally distributed heroin,
a Schedule I controlled substance, to a person under twenty-one (21) years of age, in violation of
Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C) and 859.

A TRUE BILL


GRAND JURY FOREPERSON

MARGARET M. CHIARA
United States Attorney


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